

Minutes for the May 3, 2016 meeting

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**Committee members in attendance**

Kimberly Brandt  
Bif Browning  
Debbie Cameron  
Terry Cummings, Chair  
Matthew Kimball  
Alan Pressman  
Noah Smock  
Bonnie Sorak

**Ex-officio members / others agencies in attendance**

Alan Robinson, Chief, Office of Strategy and Performance Management, DPW  
Kimberly Grove, Chief, Office of Compliance and Laboratories, DPW  
Mark Cameron, Office of Compliance and Laboratories, DPW  
Jeffrey Raymond, Chief, Office of Communications, DPW  
Marcia Collins, Chief of Legislative Affairs, DPW  
Dana Cooper, Chief of Legal and Regulatory Affairs, DPW  
Kristyn Oldendorf, Office of Legislative Affairs, DPW  
Denise Caldwell, Department of Recreation and Parks  
Michael Wilmore, Department of Transportation  
Jaleesa Tate, Department of Planning  
Dan Spack, Ecologix Group  
Katherine Jones, Blue Water Baltimore  
Halle van der Gaag, Blue Water Baltimore  
Odessa Neale, Baltimore Development Corporation

**Meeting Minutes**

The meeting started at 6:10pm, with the Terry Cummings asking SWAC members to introduce themselves.

**Communications Plan**

Terry provided an overview of the draft Communications Plan that was created by the SWAC Outreach and Communications sub-committee in early 2015 (the draft plan was shared with SWAC members in preparation for the meeting). The Plan outlines various recommendations and ideas for increasing awareness and knowledge of residents, businesses and other entities regarding polluted runoff and the MS4 WIP. The Plan would also help people understand 1) what the City needs to do and is doing (how the stormwater fee is being spent), 2) what others are doing (non-profits), and 3) what actions people can take. A key recommendation being proposed is to hire an outside consultant to develop the Communications Plan.

The proposal was that the SWAC discuss the draft Plan, vote on it, and then forward to the Director.

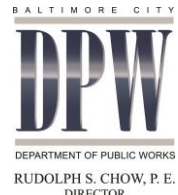
**Questions / Comments:**

Q: The Plan looks good, but when is it going to happen? Answer: Terry reminded the group that it is an advisory committee; the Plan is a recommendation and this is the first time the full committee is seeing it. Another member stated that the Plan is broad and doesn't get into details.

Q: Does the Plan include a recommendation to partner with private and nonprofit sector to create a public-private partnership to implement the plan, which would impact plans implementation and budgets?



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A: Yes, the intent is to have support from other sectors, but does not outline what this would entail or how costs and work would be shared. Many of the non-profits can spread the same messages.

Q: Did the committee contemplate how to incorporate existing communications campaigns that currently exist?

A: The intention was not to reinvent the wheel but instead coordinate with and work from existing efforts. The purpose of the discussion was to identify whether the plan makes sense and then begin looking at resources and an implementation strategy.

Because there was not a quorum of SWAC members the recommendation to approve the Communications Plan and forward to the Director will be handled via email.

Financial Assurance Plan (FAP)

Kimberly Grove provided an update on the Financial Assurance Plan, which has a July 1st deadline to report to MDE. The FAP is required by State legislation which passed in 2015. All MS 4 jurisdictions, regardless of having a fee or not are required to submit a financial assurance plan that describes how the MS4 Permit will be funded. This is above and beyond current reporting requirements. The format for FAP was created by MDE and will include an Executive Summary, a signed statement by the Mayor saying that the Plan is approved and a public hearing was held. The bulk of the report is a six-page spreadsheet that will include contact information, actions on impervious surface restoration (similar to WIP progress reports, but does not include TMDLs), costs vs. appropriations, fund sources for restoration (broken down into PAYGO, debt service, grants), and projects completed.

The City will submit on July 1, 2016. The FAP is a five-year projection, with FY 16 the first projected year. MDE will provide comments by September 30. Future Financial Assurance Plans will be required every two year.

Q: Does the Financial Assurance Plan sync w with the MS4 Permit?

A: No, the FAP begins in the middle of the MS4 Permit and projects beyond the end of the current Permit.

Q: When will the public hearing be held?

A: The Financial Assurance Plan will go before the Board of Estimates, which is the best way have the Mayor sign-off on the FAP; this will take place sometime in June 2016. The Department is also looking at other options. When this is finalized we will advertise and distribute the information to SWAC and others.

Q: Are the sources of revenue includes the fee?

A: Yes.

Q: Why only impervious surfaces?

A: The law specifically says impervious surfaces even though the WIP and stormwater management covers many other things, including local TMDLs.

Q: Will the FAP include information on revenues and expenditures?

A: This report is more of a plan for future; DPW is waiting on Finance for more complete revenue figures. The Department has three enterprise funds, which are audited. Finance will only release the revenues received after the audits are completed.

When the Department prepares its budget, it takes into consideration not everything billed will be collected. If the audited numbers are different from the budget, an adjustment may be needed. DPW has three reports that cover the information.

Q: What is the plan to publicize the public hearing?



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A: Depends on the format. If it goes before City Council, they have their own public notice process. Other venues may get publicized by email lists, website, press releases, social media, etc.

Stormwater fee regulations

Terry presented for discussion and approval the following proposed amendments prepared by the SWAC Policy subcommittee:

*Participation credit*

Religious organizations can receive participation credits up to 50% of total assessed fee per year, which is above the \$30 credit cap for other properties.

Discussion ensued on whether to expand this to nonprofits. If so, it was recommended that there be a \$1 million threshold so you don't include huge institutions like hospitals and universities, or mega-churches (since the intention is to assist smaller organizations). It was agreed to add a cap for both religious organizations and nonprofits.

*Vacant lot credits*

Rename "green space credit". Also, it was confirmed that DPW could incorporate adjacent parcels into one parcel for the credit.

*Superfund site*

Committee has no recommendation

*Rain barrels*

One time credit for installation based on size of barrel. The subcommittee reviewed what other counties provide as a credit and decided on \$1 per gallon up to \$100 (100 gallons or two standard rain barrels). Also replace "rainwater harvesting system" with "rain barrel".

Q: Would DPW check to see if the rain barrel was installed correctly? If people kept buying new rain barrels would they get additional credits?

A: DPW may do spot checks on rain barrels; it would be too expensive to have a staff person inspect each one.

Q: What about cisterns? Do they get bigger credit?

A: For more complicated systems, the Department can apply a larger credit (as with the Non-single Family Property Guidelines) but this would require a site visit and inspection.

*Hardship exemption and alternative compliance plan for nonprofits*

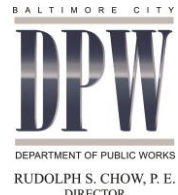
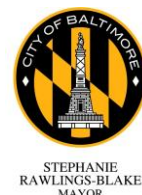
This is required by State law. The subcommittee wrestled with what is the bar for hardship exemption and how is this verified?

After looking at examples from other jurisdictions, the recommendation was that a non-profit could qualify for a hardship exemption if its stormwater fee is greater than 0.75% of revenue. The hardship exemption would be for organizations with revenues of \$1 million or less. Organizations receiving a hardship exemption would need to develop an alternative compliance plan, in accordance with the State law.

Q: What qualifies as alternative compliance? Could it be educational programs, cleanups, etc? PG Co has multiple options, not only in the ground projects.

A: The subcommittee is comfortable with the City deciding on what meets alternative compliance.

Q: How do other jurisdictions define alternative compliance?



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A; Some are giving credits to nonprofits if they allow government to put BMPs on their properties but that doesn't work well in the city where there is not much land. Many jurisdictions have not done anything with this yet. The legislation says that MDE may develop guidelines but it doesn't look like this will happen anytime soon. Once the SWAC refers this back to DPW, it can look at options of what can be considered an alternative compliance plan and how these could be funded. One option may be the Bay Restoration Fund (BRF), which was created to fund these types of projects.

Q: State legislation says that while the BRF can be used for the alternative compliance plans, the funds need to be requested through the local government (the city). Is this true?

A: Yes - local governments are the only entity that can access the Bay Restoration Fund.

*Tree planting credit*

Currently the credit is \$3/year per tree, minimum 2 trees, renewable every three years. Recommendation is to raise the credit to \$15/year per tree, minimum two trees, renewable every three years. Recommendation was made to require that the applicants follow the City's tree guidelines.

The Amports recommendation will be included in the regulations once the full set of SWAC recommendations are received. Additionally, some items were approved in previous meetings. DPW's recommendation to SWAC is to submit a comprehensive list of all the regulation recommendations as one document.

The SWAC Policy subcommittee will compile the full list and distribute to the full SWAC membership for approval before submitting to DPW. The Department will review the recommendations and prepare a final set of recommended revisions that will be submitted for public comment.

Open discussion/new business

Q: Will funding be made available for communities to implement projects?

A: DPW provided \$100,000 to fund the Growing Green Competition two years ago. Last year, the Department decided to provide \$100,000 to CBT to expand the Outreach and Restoration grant program in Baltimore City to fund community projects and education / outreach efforts. The goal is to continue this level of funding; however, a determination will need to be made on a yearly basis. DPW is also looking at other tools and technical resources that could be helpful for groups to implement projects, like the recently held GROW Center Pop-up.

Alan Robinson reminded members that they are nearing the end of their two year term, and that the Department would like to have a separate meeting to discuss ideas and concerns raised in survey, including expectations of SWAC members and expectations of DPW, as a way to improve SWAC as it moves forward. This will be scheduled before the next quarterly meeting in August. DPW is also reviewing internally a transition plan for retiring SWAC members, renewing members, and new members.

State legislative session

Marcia Collins reported that, while there was a high volume of bills (over 2,800), very few involved stormwater-related bills. The bag bill and bottle bill did not pass; this may be because there were concerns about passing anything that looked like a new fee or increased fee.

Conclusion

The meeting ended at 7:50pm. Next meeting date is August 2, 2016, at the Planning Department (417 E. Fayette Street, 8<sup>th</sup> Floor).

